

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Christopher Viera et al.,

Plaintiffs,

-against-

City of New York,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/18/2021

1:19-cv-05773 (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

This case contains one or more claims arising under the Fair Labor Standards Act. The parties apprised the Court on May 17, 2021 that a tentative settlement has been reached. (Status Report, ECF No. 109). In light of the requirements of *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), the parties must file a joint letter or motion that addresses whether the settlement is fair and reasonable.

Any such letter or motion shall be filed by Friday, May 28, 2021, and should address the claims and defenses, the defendant's potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiffs' case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiffs' claims and the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The joint letter or motion should also explain the attorney fee arrangement, attach a copy of the retainer agreement, and provide information as to actual attorney's fees expended and

the relevant experience of the attorney(s). Finally, a copy of the settlement agreement itself must accompany the joint letter or motion.

SO ORDERED.

DATED: New York, New York
May 18, 2021

A handwritten signature in cursive script, reading "Stewart D. Aaron".

STEWART D. AARON
United States Magistrate Judge